

United States Department of Justice
Office of the United States Trustee
1100 Commerce Street, Room 976
Dallas, Texas 75242 (214) 767-8967

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
	§	
OK Eton Square, LP	§	Case No. 10-33583-BJH-11
	§	
Debtor-in-Possession	§	Chapter 11
		Hearing: January 20, 2011
		1:15 p.m.

Motion to Dismiss Case or Convert Case to Chapter 7

Comes now, the United States Trustee and files his Motion to Dismiss Case or Convert Case to Chapter 7. In support thereof, the United States Trustee would represent:

Jurisdiction

The bankruptcy court has jurisdiction to determine this matter under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b).

Facts

1. OK Eton Square (the “Debtor”), filed a chapter 11 petition on May 24, 2010. There is no committee in the case, and the Debtor remains in possession.
2. The Debtor owns mixed use commercial property in Tulsa, OK. About 50% of the office space and 25% of the retail space available is vacant.
3. The Debtor has not provided the United States Trustee Guidelines with evidence of the existence of a debtor-in-possession bank account. The operating report for October 2010 shows that the Debtor has a bank balance of \$154,287, but some post-petition debt is unpaid.

4. The Debtor has not filed a plan of reorganization.

Argument

5. The Debtor has not proposed a Plan within a reasonable time, and this is cause for dismissal or conversion of the case. Additionally, the Debtor has not provided the United States Trustee with evidence of a debtor-in-possession bank account. Further delay of the case is prejudicial to creditors.

Relief Requested

6. Wherefore, premises considered, the United States Trustee asks the Court to dismiss the cases or convert the cases to Chapter 7. The United States Trustee asks for any further relief to which he may be entitled.

December 3, 2010

William T. Neary
United States Trustee
/s/ Mary Frances Durham
Mary Frances Durham, TX Bar 00790144
United States Department of Justice
Office of the United States Trustee
1100 Commerce Street, Room 976
Dallas TX 75242 (214) 767-1241
Fax: (214) 767-8971
Maryfrances.durham@usdoj.gov

Certificate of Service

I hereby certify that I mailed a copy of this motion and the following notice and proposed order to the following persons by first class, United States mail, postage pre-paid on December 3, 2010:

OK Eton Square, LP
1750 Valley View, Suite 110
Dallas, TX 75234

/s/ Mary Frances Durham
Mary Frances Durham

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: §
§
OK Eton Square, LP § **Case No. 10-33583-BJH-11**
§
Debtor-in-Possession § **Chapter 11**
§
Hearing: **January 20, 2011**
1:15 p.m.

**NOTICE OF HEARING ON MOTION TO DISMISS CASE OR
CONVERT CASE TO CHAPTER 7**

Be advised that:

NO HEARING WILL BE CONDUCTED ON THE MOTION TO DISMISS CASE OR
CONVERT CASE TO CHAPTER 7 FILED BY THE UNITED STATES TRUSTEE UNLESS
WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES
BANKRUPTCY COURT AT 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS
75242 BEFORE CLOSE OF BUSINESS ON DECEMBER 28, 2010, WHICH IS 24 DAYS
FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A
COPY SHALL BE SERVED UPON COUNSEL FOR THE UNITED STATES TRUSTEE
PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A
HEARING MAY BE HELD ON JANUARY 20, 2011, AT 1:15 P.M. IN THE COURTROOM
OF THE HONORABLE BARBARA J. HOUSER, UNITED STATES BANKRUPTCY JUDGE,
1100 COMMERCE STREET, 14TH FLOOR, DALLAS, TX 75242 WITH NOTICE ONLY TO
THE OBJECTING PARTY.

IF NO HEARING ON SUCH MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.

Respectfully submitted,
William T. Neary
United States Trustee
/s/ Mary Frances Durham
Mary Frances Durham, TX00790144
United States Department of Justice
Office of the United States Trustee
1100 Commerce Street, Room 976
Dallas Texas 75242 (214) 767-1241
Fax: (214) 767-8971
Maryfrances.durham@usdoj.gov

PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

OK Eton Square, LP § **Case No. 10-33583-BJH-11**
Debtor-in-Possession § **Chapter 11**

**Hearing: January 20, 2011
1:15 p.m.**

Order Dismissing Case

Came on for consideration, the United States Trustee's Motion to Dismiss Case or Convert Case to Chapter 7. The Debtor appeared through counsel and announced that the Debtor did not oppose the dismissal of the case. The Court finds this resolution acceptable, and hereby

ORDERS that the case be, and is hereby, dismissed.

###end of order###